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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Jason Marlin Crook,

10 Plaintiff,

11 v.

12 Charles L Ryan, et al.,

13 Defendants.
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No. CV-15-02610-PHX-JAT (ESW)

ORDER

15 Pending before the Court is the Report and Recommendation¹ of the Magistrate
16 Judge recommending that Defendant Cato be dismissed without prejudice as a result of
17 Plaintiff's motion for voluntary dismissal. (Doc. 219). It appears the Clerk's office
18 treated Plaintiff's motion (Doc. 213) as a notice of voluntary dismissal and dismissed
19 Defendant Cato from this action on December 12, 2017. Nonetheless, the Report and
20 Recommendation (to which no party objected) remains pending before this Court.² As a
21 result,

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26 ¹ This Court "may accept, reject, or modify, in whole or in part, the findings or
27 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).

28 ² It is "clear that the district judge must review the magistrate judge's findings and
recommendations de novo if objection is made, but not otherwise." United States v.
Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (emphasis in original).

1 **IT IS ORDERED** that the Report and Recommendation (part of Doc. 219) is
2 accepted.

3 Dated this 27th day of March, 2018.

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8 James A. Teilborg
9 Senior United States District Judge
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